

## **REMARKS**

Reconsideration of the final Office action issued in connection with the above-identified patent application is requested in view of the preceding clarifying amendment to claim 26 and the following remarks. Claims 1-36 are presently pending in the application. In the final Office action, claims 1-25 were allowed, and claims 32 and 35 were indicated to contain allowable subject matter. The remaining claims, namely, claims 26-31, 33, 34, and 36 were rejected as being anticipated by U.S. Patent No. 6,508,322 to Dignitti et al. Applicant continues to traverse and request reconsideration of the rejection of claims 26-31, 33-34 and 36, but believes that the issue is moot in view of the preceding clarifying amendment to claim 26 that was agreed upon in a telephone interview with the Examiner, as discussed in more detail below.

Applicant thanks the Examiner for his time and comments during a telephone interview with Applicant's undersigned attorney on May 25, 2005. In the interview, the rejection of claim 26 was discussed in view of the cited reference to Dignitti. Specifically, it was discussed that the cover (92) of the cited reference to Dignitti does not urge, bias or otherwise move the battery assembly at least partially through the aperture of the battery compartment when the retaining member is pivoted to its open position. The Examiner requested that the term "displace" be clarified and replaced with "move." The above amendment to claim 26 complies with this clarifying request. In view of this clarification, Applicant requests reconsideration of the rejection of claim 26. Upon allowance of claim 26, Applicant submits that all pending claims are in a condition for formal allowance.

For the reasons discussed herein, Applicant submits that all of the issues raised in the final Office action have been addressed and overcome. If there are any remaining issues or if the Examiner has any questions, Applicant's undersigned attorney may be reached at the number

listed below. Similarly, if the Examiner believes that a telephone interview may be productive in advancing prosecution of the present application, the Examiner is invited to contact Applicant's undersigned attorney at the number listed below.

Respectfully submitted,

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